

CITY OF NEWPORT BEACH
Planning Commission Minutes
January 20, 2011
Regular Meeting – 6:30 p.m.

ROLL CALL: Commissioners Eaton, Unsworth, McDaniel, Ameri, Toerge, and Hillgren - present. Commissioner Hawkins arrived later, in the evening, to participate in the meeting.	
STAFF PRESENT: James Campbell, Acting Planning Director Patrick Alford, Planning Manager Leonie Mulvihill, Assistant City Attorney Tony Brine, City Traffic Engineer Javier "Jay" Garcia, Senior Planner Fern Nueno, Assistant Planner Marlene Burns, Administrative Assistant	
POSTING OF THE AGENDA: The Planning Commission Agenda was posted on January 13, 2011.	
PUBLIC COMMENTS: None.	
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REQUEST FOR CONTINUANCES: None.	
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CONSENT ITEMS	
SUBJECT: MINUTES of the regular meeting of December 9, 2010. Chairperson McDaniel recommended that this item be tabled to be discussed after the Public Hearing items had concluded, and also recommended that Hoag Hospital Covered Walkway (PA2010-148) be heard as the third item.	
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PUBLIC HEARING ITEMS	
SUBJECT: Johnson Residence – (PA2010-176) 1537 Santanella Terrace The application consists of a code amendment to change a front setback established on Setback Map No. S9A- Irvine Terrace from 34 feet to 19 feet, to accommodate a proposed addition to the existing single family dwelling. Jay Garcia, Senior Planner, gave a brief overview of the staff report with a PowerPoint presentation. The Planning Commission discussed the following: <ul style="list-style-type: none">• The ability to park a car in the driveway as it related to the 19-foot setback from the property line to the garage.• A recommendation was made that the Homeowner's Association approve the project first and then have the Planning Commission's consideration	ITEM NO. 3 PA2010-176 Approved

after.

- The desire to consider changing setbacks for the tract preventing the need for individual amendment or variance applications and that this should be taken up at a later date.
- If variances and amendments are granted, on a case-by-case basis it would be difficult to deny future applicants.

The Commission's concerns were addressed by the staff as follows:

- Mr. Garcia confirmed that there indeed is the ability park a car in the driveway.
- Assistant City Attorney, Leonie Mulvihill, responded that the City, however helpful, does not have the policy or practice to require the approval of the HOA prior to the Planning Commission approval.
- In response to modifying setbacks as a whole the Acting Planning Director, Mr. Campbell, replied that the City could on behalf of the Homeowner's Association; however, the City Council would have to direct staff to do so and that it likely would not be considered a high priority.

The Applicant, Architect Andrew Goetz, was not present and Mr. Garcia informed the Planning Commission that the Applicant had received proper notice to appear.

Public comment period was opened.

Dan Purcell, Corona del Mar resident, would have liked to have seen the Applicant or someone on behalf of the HOA appear.

Public comment period was closed.

Commissioner Toerge agrees with the Acting Planning Director, that the Commission cannot force the Homeowner's Association to be an applicant, nor have the City spend resources to initiate and process such an amendment, especially when the Commission is receiving one request every other year. Furthermore, he stated that it was the Commission's responsibility to look at these one at a time as requested by the Applicant.

Motion made by Commissioner Toerge and seconded by Commissioner Hillgren, to adopt a resolution recommending City Council adoption of Code Amendment No. CA2010-010 to revise Setback Map No. S9A- Irvine Terrace to establish a 19-foot front setback at 1537 Santanella Terrace, Lot 28 of Tract 1701.

Motion carried with the following vote:

Ayes:	Eaton, Unsworth, McDaniel, Ameri, Toerge, and Hillgren
Absent:	Hawkins

* * *

SUBJECT: F&M Bank Parking Waiver – (PA2010-141)
2421 East Coast Highway

The applicant is applying for a conditional use permit requesting a parking waiver of seven (7) spaces to allow the addition of approximately 450 square feet of gross floor area to an existing 3,505-square-foot building.

Fern Nueno, Assistant Planner, gave a brief overview of the staff report with a PowerPoint presentation.

After discussion, the Commission identified and presented some general comments and concerns:

ITEM NO. 4
PA2010-141

Approved

- Applying the same condition to this application that was applied to El Ranchito to purchase parking permits for all of their employees and requiring that the employees use those designated parking spaces in the nearby municipal lot. The other condition was to have an annual review, by the Planning Commission, of the use of the parking permits.

Chairperson McDaniel announced that Commissioner Hawkins arrived to join the meeting.

The staff responded to the Commission's concerns as follows:

- Ms. Nueno, in response to the Commission's comments about applying the same conditions to this project as were applied to El Ranchito, indicated that this project's use was different. She added that banking hours are limited to 9:00 a.m. to 5:00 p.m. on week-days and on Saturday mornings. In addition, the bank would employ a staff of ten, at any one time.

Applicant Daniel Walker, President of Farmer and Merchants Bank, gave a PowerPoint presentation to the Commission and then a general discussion ensued:

- Mr. Walker agreed to a suggested condition to provide parking permits to the employees and to require those employees to park at the municipal lot.
- Rothschild's, a nearby restaurant, could have on-site parking spaces available for the restaurant's use after the bank closes at 5:00 p.m. on week-days and after 12:00 p.m. on Saturdays, and all day on Sundays.
- Hours are of concern as some of the bank's clients may require service after business hours, such as, accessing automatic teller machines (ATM's).

Public comment period was closed.

Motion made by Commissioner Hillgren and seconded by Commissioner Eaton, to adopt a resolution approving Conditional Use Permit No. UP2010-031 with the following modifications:

- Modify Condition of Approval No. 4 by striking "employee parking in," and adding, *"and shall direct employees to park in said parking lot,"* at the end of the condition so as to read, *"The applicant or operator of the facility shall purchase ten (10) parking permits on an annual basis for the nearby municipal facility on Fourth Avenue and Dahlia Avenue, and shall direct employees to park in said parking lot."*

Commissioner Hawkins proposed the insertion of the following to the resolution:

- *"City Council Ordinance 2010-21, which adopted the current Zoning Code, provides that discretionary and ministerial applications deemed complete prior to the effective date of the ordinance may be processed under the previous Zoning Code, provided they are found consistent with the General Plan. The Conditional Use Permit application was submitted and deemed complete prior to the adoption of the current Zoning Code. Therefore, this project is being reviewed subject to regulations of the previous Zoning Code."*

Commissioner Hawkins stated that he would support the motion if there were an in lieu parking ordinance in place by the City; however, since there was not one in place he would not be supporting the motion.

Maker of the motion, Commissioner Hillgren, agreed to the additional modifications.

<p>Chairperson McDaniel shared his concerns about the hours of operation for Saturday use, including use of six tellers and the impact of such use for the parking lot, but stated that the bank would be an asset to the community.</p> <p>Motion carried with the following vote:</p>		
<p>Ayes:</p>	Eaton, Unsworth, McDaniel, Ameri, Toerge, and Hillgren	
<p>Noes:</p>	Hawkins	
<p>SUBJECT: Hoag Hospital Covered Walkway – (PA2010-148) One Hoag Drive</p> <p>Hoag Hospital proposes the construction of an approximately, 210-foot-long, covered walkway that extends from the south parking structure to the south entrance of the main hospital building. A portion of the covered walkway exceeds the permitted height within the Parking Area Height Limitation Zone established by the Planned Community District Regulations. Therefore a variance is required to approve the increased height. The variance is for a 55-foot-long portion of the walkway that is 6 to 10 feet higher than permitted within the Parking Zone Height Limitation Area (80-foot height limit measured above Mean Sea Level, 80 MSL). The parking structure is currently constructed at or near the maximum height limit.</p> <p>Jay Garcia, Senior Planner, gave a brief overview of the staff report with a PowerPoint presentation.</p> <p>After discussion, the Commission identified and presented some general comments and concerns:</p> <ul style="list-style-type: none"> • The need to prepare a photometric study due to lighting concerns. • Information as to which exceptional circumstances required for a Variance to the planned community text and original Development Agreement. • Clarification regarding the abandoning of the South Tower in the plans. <p>Applicant Cary Brooks, Senior Project Manager for Hoag Hospital, responded to the Planning Commissioner questions and concerns.</p> <ul style="list-style-type: none"> • The walkway will keep patients out of elements such as sunshine, and rain. • ADA compliance for walking surfaces is federally mandated. • Confirmation that there would be no South Tower and that the Heart Vascular Center would remain the same with the exception of renovations of the interior. <p>Public comment period was opened.</p> <p>Comments were given by the following residents from the surrounding neighborhood:</p> <p>Richard Runyon – 200 Paris Lane Eric Thurner – 200 Paris Lane Ross Ribaudo – 260 Cagney Lane, #320</p> <ul style="list-style-type: none"> • Concern with the failure to disclose violations of codes, resulting in exhaust and steam plumes from the cogeneration plant and having refused to mitigate. • Excessive lighting on the lower campus parking area after 8:00 p.m. and before 5:00 a.m., seven days a week all the time. • Excessive noise that took fifteen years to cease. • Recommendation of placing tunnel under the road rather than the proposed covered walkway. 		<p>ITEM NO. 2 PA2010-148</p> <p>Approved</p>

- In the evening if the canopy is back lit in some way it may be bothersome to the condominium complex in the surrounding neighborhood.
- Views from Newport Heights could be impacted.
- Sound of the ancillary loading dock and construction has taken a long time to control. Should have had a better sound barrier, i.e., extend the sound wall.

Mr. Garcia responded that down-lighting would not be used and that the canopy was to be constructed of an opaque material so that no backlighting would occur.

Acting Planning Director answered the Planning Commission's concerns about the mitigation efforts, which were analyzed and all passed the proper protections and conditions, alleviating lighting concerns. He added that all complaints brought forth this evening were investigated and all was in compliance in 2007 through 2008, including the sound absorbing barrier in the lower loading dock. No violations are presently known to be occurring.

A general discussion ensued and Mr. Brooks addressed that the project's completion is estimated to last for a duration of six months and that the canopy would not be heavily lit, only the pathway would be lit as there are patients that do enter the hospital at all times.

Public comment period was closed.

Motion made by Commissioner Toerge and seconded by Commissioner Ameri, to adopt a resolution approving Variance No. VA2010-003 with the following modifications:

- Modify the resolution Facts in Support of the Findings B-1 by striking "granting of the Variance for height does not," and inserting, "failure to grant the Variance for height will" to read, "The failure to grant the Variance for height will deprive the subject property of privileges enjoyed by other properties in the vicinity since it is consistent with the intent of the PC Regulations to control the overall height of the parking structure itself, which remains unchanged. The proposal to add the covered walkway/canopy does not propose to increase the number of levels of the parking structure now or in the future. Staff also believes that the granting of the height variance to accommodate the addition of the covered walkway/canopy does not conflict with the intent of the Parking Zone Height Limit."

Commissioner Toerge, maker of the motion agreed with the modification.

Commissioner Hawkins could not support the required findings. He also indicated that he felt that approval of the variance as precluded as the standards were part of the Development Agreement.

Commissioner Hawkins proposed amending the resolution by adding the verbiage indicating that the applicant be in compliance with the Development Agreement.

Mr. Campbell indicated that such language was not necessary and would be duplicative and unnecessary.

Commissioner Toerge, maker of the motion, did not agree with the modification.

Motion carried with the following vote:

Ayes:	Eaton, Unsworth, McDaniel, Ameri, Toerge, and Hillgren
Noes:	Hawkins

CONSENT ITEMS

SUBJECT: MINUTES of the regular meeting of December 9, 2010. The Commission requested the inclusion for additional information in the minutes following the discussion, the minutes were approved. Motion made by Commissioner Hawkins and seconded by Commissioner Unsworth to approve the minutes as corrected. Motion carried with the following vote:		ITEM NO. 1 Approved
Ayes: Noes:	Eaton, Unsworth, Hawkins, McDaniel, Ameri, and Toerge Hillgren	
* * *		
STAFF AND COMMISSIONER ITEMS		
Tony Brine, the City Traffic Engineer, presented an update as to the progress of the New City Hall project. Per Steve Badum, the Public Works Director, the final building bid package for the project will go before the City Council on February 22, 2011. <ul style="list-style-type: none"> • Overall process is going well and since it is a good climate for bids, great bids are expected. • Bid prices are going to be available to the public prior to the February 22, 2011, City Council meeting. • On-site grading is complete, with the exception of some minor dirt that is being moved next to the shoring wall that is being built and is adjacent to MacArthur Boulevard and is expected be completed by the end of February 2011. • The bid plans will indeed include improvements to the Public Library, to answer Commissioner Unsworth's question. • The eight million dollar parking structure construction will begin in mid-March. • The project is on schedule with the completion date expected by late 2012. Commissioner Toerge requested the site plans to see how the project will look like. Mr. Brine responded that there are plans and architectural drawings on the City's web-site, in addition to what is on the web-site, there are some drawings available for viewing in the lobby of City Hall. Mr. Campbell, the Planning Director, offered to send a link from the City's web-site to the Commissioners that will direct them to the needed information regarding the New City Hall project.		ITEM NO. 5
Acting Planning Director, James Campbell, updated the Planning Commission as to the summary of items that were presented at the last City Council meeting. <ul style="list-style-type: none"> • The Newport Business Plaza's general plan amendment for re-development of the corner of Campus and Jamboree and was approved by the City Council. • Adoption of local amendments of Building and Fire Code added some amendments to the Code and was ultimately adopted by the City Council. • The Operator License Ordinance, related to late night alcohol establishments was introduced. For the next Planning Commission meeting, there will be a discussion item to highlight the new process which entails the ability of the Police Chief to regulate late night establishments that operate after 11:00 p.m. 		ITEM NO.6
Commissioner Hawkins reports the following for the Planning Commission report: <ul style="list-style-type: none"> • Commissioner Hawkins was re-appointed as the Planning Commission representative to the Economic Development committee. • Economic Development committee met on January 19, 2011 and discussed the following: <ul style="list-style-type: none"> ○ Report from the Business License Sub-Committee regarding temporary 		ITEM NO. 7

<p>business license revenue, there was approximately \$9,800.00 last year; however, the staff time on the collection was horrendous.</p> <ul style="list-style-type: none">o There was a proposal to change the temporary license procedure and fee by the Business License Sub-Committee that the Economic Development Committee adopted, which will then go to the City Council as a recommendation for an amendment to the Business License Ordinance, which is Title V.o The Economic Development Committee also continued the existence of the Business License Sub-Committee to review the entirety of Title V, with respect to the requirements of business licenses, etc.	
<p>Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.</p> <p>Commissioner Hawkins supports Commissioner Ameri's previous request to discuss in lieu parking. Mr. Campbell, Acting Planning Director, agreed that it would be brought forth to the Planning Commission in the near future for discussion.</p>	ITEM NO. 8
<p>Requests for excused absences – None.</p>	ITEM NO. 9
<p>ADJOURNMENT: 9:03 p.m. MICHAEL TOERGE, SECRETARY CITY OF NEWPORT BEACH PLANNING COMMISSION</p>	